

ESTTA Tracking number: **ESTTA215400**

Filing date: **06/04/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Medimmune, Inc.
Granted to Date of previous extension	07/16/2008
Address	One MedImmune Way Gaithersburg, MD 20878 UNITED STATES
Attorney information	Constance Golden Abelman Frayne & Schwab 666 Third Avenue New York, NY 10017 UNITED STATES CGolden@lawabel.com, jbsaylor@lawabel.com, rdahl@lawabel.com Phone:212-949-9022

Applicant Information

Application No	79043095	Publication date	03/18/2008
Opposition Filing Date	06/04/2008	Opposition Period Ends	07/16/2008
International Registration No.	0935693	International Registration Date	07/23/2007
Applicant	SYGNIS Pharma AG Im Neuenheimer Feld 515 69120 Heidelberg GERMANY		

Goods/Services Affected by Opposition

Class 005. All goods and services in the class are opposed, namely: Pharmaceutical preparations for the treatment or prevention of neurological conditions
Class 042. All goods and services in the class are opposed, namely: Consultancy and medical and scientific research and development services in the field of pharmaceutical, pharmacological and healthcare products; technical advice for others regarding research and development of pharmaceutical preparations as well as relating to planning and constructing of plants and factories for the production of pharmaceutical preparations; scientific research, namely in the pharmaceutical field
Class 044. All goods and services in the class are opposed, namely: Medical services; medical advice regarding rehabilitation, medical services in the field of rehabilitation; healthcare for people; medical consultation and medical services in the pharmaceutical, pharmacological and medical field as well as in the field of healthcare

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2248349	Application Date	12/19/1997
Registration Date	05/25/1999	Foreign Priority Date	NONE
Word Mark	SYNAGIS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 001. First use: First Use: 1998/09/10 First Use In Commerce: 1998/09/10 humanized monoclonal antibody against respiratory syncytial virus for scientific research use Class 005. First use: First Use: 1998/09/10 First Use In Commerce: 1998/09/10 humanized monoclonal antibody against respiratory syncytial virus for medical clinical use		

Attachments	Medimmune v sygnis - not of opp - 79-043095.pdf (17 pages)(1121210 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Constance Golden/
Name	Constance Golden
Date	06/04/2008

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Application No. 79/043095
Published March 18, 2008

MedImmune, LLC,¹

Opposer,

v.

SYGNIS Pharma AG,

Applicant.

Opposition No.

NOTICE OF OPPOSITION

MedImmune, LLC, a corporation organized and existing under the laws of Delaware, with an office at One MedImmune Way, Gaithersburg, Maryland 20878, believes that it will be damaged by registration of the mark shown in Application Serial No. 79/043095 and hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Applicant is seeking to register the mark SYGNIS & Design for "Pharmaceutical preparations for the treatment or prevention of neurological conditions", in Class 5; "Consultancy and medical and scientific research and development services in the field of pharmaceutical, pharmacological and healthcare products; technical advice for others regarding research and development of pharmaceutical

¹ MedImmune, Inc. has been converted to MedImmune, LLC. The change is being simultaneously recorded in the Trademark Office against Registration No. 2248349 SYNAGIS. [Exhibit B]

preparations as well as relating to planning and constructing of plants and factories for the production of pharmaceutical preparations; scientific research, namely in the pharmaceutical field”, in Class 42; and “Medical services; medical advice regarding rehabilitation, medical services in the field of rehabilitation; healthcare for people; medical consultation and medical services in the pharmaceutical, pharmacological and medical field as well as in the field of healthcare”, in Class 44.

2. Applicant filed Application No. 79/043095 for SYGNIS & Design on July 23, 2007 based on an International registration.
3. Opposer is the owner of Registration No. 2,248,349 for the mark SYNAGIS for humanized monoclonal antibody against respiratory syncytial virus for scientific research use and humanized monoclonal antibody against respiratory syncytial virus for medical clinical use and said registration is incontestable. Pursuant to 37 C.F.R. 2.122 (d)(1) annexed hereto as Exhibit A is a printout from the electronic database records of the USPTO, namely TARR and the Assignment Records, that shows that the current status and title of the registration is in the name of Opposer.
4. Since 1988, MedImmune has been focused on using biotechnology to produce innovative products to impact patient health. In 1998, MedImmune launched SYNAGIS (generic name palivizumab), the first monoclonal antibody successfully developed to combat an infectious

disease. SYNAGIS (palivizumab) is one of two marquee products in the area of infectious disease, particularly viral.

5. Since at least as early as 1998 and long prior to the July 23, 2007 filing date of Serial No. 79/043095, Opposer has continuously used the SYNAGIS mark and thus Opposer has priority.
6. Applicant's mark SYGNIS & Design is substantially similar to and has the same commercial impression as Opposer's mark SYNAGIS.
7. Applicant's goods, as set forth in Serial No. 79/043095, are commercially related to the products upon which Opposer has used and registered SYNAGIS.
8. Applicant's goods will travel in the same or related trade channels as Opposer's goods.
9. Applicant's goods will be marketed to and purchased by the same or similar class of consumers as Opposer's goods.
10. In view of the substantial similarity of the marks and the commercial relationship between the goods, registration of Applicant's mark is likely to cause confusion, mistake or deception to purchasers as to the source of Applicant's goods, and therefore it is requested that registration to Applicant be refused under Section 2(d) of the Trademark Act.

WHEREFORE, Opposer believes that it will be damaged by the registration of Application Serial No. 79/043095 and respectfully requests that registration be refused

and this opposition be sustained.

Respectfully submitted,


CONSTANCE GOLDEN

Dated: June 4, 2008

Attorney for Opposer

Abelman, Frayne & Schwab
666 Third Avenue
New York, NY 10017-5621
10th Floor
Tel. 212-885-9206
Fax.: 212-949-9190
E-mail: cgolden@lawabel.com

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing NOTICE OF OPPOSITION was served by first-class mail, postage prepared, this 4th day of June, 2008 upon the following:

Catherine J. Holland
Knobbe Martens Olson & Bear LLP
Attorney for Applicant
2040 Main Street, 14th Floor
Irvine, CA 92614

Exhibit A

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-05-30 14:39:42 ET

Serial Number: 75408414 Assignment Information Trademark Document Retrieval

Registration Number: 2248349

Mark (words only): SYNAGIS

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2005-02-10

Filing Date: 1997-12-19

Transformed into a National Application: No

Registration Date: 1999-05-25

Register: Principal

Law Office Assigned: LAW OFFICE 115

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 834 -Post Registration

Date In Location: 2005-02-10

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. MedImmune, Inc.

Address:

MedImmune, Inc.
One Medimmune Way
Gaithersburg, MD 20878
United States

Legal Entity Type: PROFIT CORPORATION

State or Country Where Organized: Maryland

GOODS AND/OR SERVICES

International Class: 001

Class Status: Active

humanized monoclonal antibody against respiratory syncytial virus for scientific research use

Basis: 1(a)

First Use Date: 1998-09-10

First Use in Commerce Date: 1998-09-10

International Class: 005

Class Status: Active

humanized monoclonal antibody against respiratory syncytial virus for medical clinical use

Basis: 1(a)

First Use Date: 1998-09-10

First Use in Commerce Date: 1998-09-10

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-03-27 - Attorney Revoked And/Or Appointed

2008-03-27 - TEAS Revoke/Appoint Attorney Received

2006-09-01 - Review Of Correspondence Complete

2006-08-21 - PAPER RECEIVED

2005-02-10 - Section 8 (6-year) accepted & Section 15 acknowledged

2005-01-13 - Section 8 (6-year) and Section 15 Filed

2005-01-13 - TEAS Section 8 & 15 Received

1999-05-25 - Registered - Principal Register

1999-03-28 - Allowed for Registration - Principal Register (SOU accepted)

1999-03-16 - Assigned To Examiner

1999-03-11 - Statement of use processing complete

1999-02-19 - Amendment to Use filed

1998-12-29 - Notice of allowance - mailed

1998-10-06 - Published for opposition

1998-09-04 - Notice of publication

1998-07-23 - Approved for Pub - Principal Register (Initial exam)

1998-07-02 - Examiner's amendment mailed

1998-06-17 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Wm. Charles Saunders

Correspondent

Wm. Charles Saunders

OW2

1800 Concord Pike

Wilmington DE 19850

Phone Number: 3028854268

Fax Number: 3028868221



United States Patent and Trademark Office

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Assignments on the Web > Trademark Query

No assignment has been recorded at the USPTO

For Serial Number: 75408414

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.0.1
Web interface last modified: April 20, 2007 v.2.0.1

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Exhibit B

TRADEMARK ASSIGNMENT

Electronic Version v1.1

Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	CHANGE OF NAME		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
MedImmune, Inc.		04/01/2008	CORPORATION: DELAWARE
RECEIVING PARTY DATA			
Name:	MedImmune, LLC		
Street Address:	One Medimmune Way		
City:	Gaithersburg		
State/Country:	MARYLAND		
Postal Code:	20878		
Entity Type:	LIMITED LIABILITY COMPANY: DELAWARE		
PROPERTY NUMBERS Total: 1			
Property Type	Number	Word Mark	
Registration Number:	2248349	SYNAGIS	
CORRESPONDENCE DATA			
Fax Number:	(973)836-0306		
<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>			
Phone:	212-949-9022		
Email:	fterranella@lawabel.com		
Correspondent Name:	Lawrence E. Abelman		
Address Line 1:	666 Third Avenue		
Address Line 2:	10th Floor		
Address Line 4:	New York, NEW YORK 10017		
ATTORNEY DOCKET NUMBER:	8003504		

NAME OF SUBMITTER:	Frank Terranella
Signature:	/ft/
Date:	06/04/2008
Total Attachments: 5 source=MEDIMMUNE name change#page1.tif source=MEDIMMUNE name change#page2.tif source=MEDIMMUNE name change#page3.tif source=MEDIMMUNE name change#page4.tif source=MEDIMMUNE name change#page5.tif	
RECEIPT INFORMATION ETAS ID: TM116502 Receipt Date: 06/04/2008 Fee Amount: \$40	

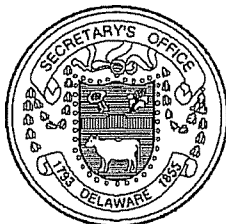
Delaware

PAGE 1

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE DO HEREBY CERTIFY THAT THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF CONVERSION OF A DELAWARE CORPORATION UNDER THE NAME OF "MEDIMMUNE, INC." TO A DELAWARE LIMITED LIABILITY COMPANY, CHANGING ITS NAME FROM "MEDIMMUNE, INC." TO "MEDIMMUNE, LLC", FILED IN THIS OFFICE ON THE TWENTY-FIFTH DAY OF MARCH, A.D. 2008, AT 9:31 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF CONVERSION IS THE FIRST DAY OF APRIL, A.D. 2008, AT 12:01 O'CLOCK A.M.



2130616 8100V

080355665

You may verify this certificate online
at corp.delaware.gov/authver.shtml

Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 6478252

DATE: 03-26-08

CERTIFICATE OF CONVERSION

CONVERTING

MEDIMMUNE, INC.
(A Delaware Corporation)

TO

MEDIMMUNE, LLC
(A Delaware Limited Liability Company)

MedImmune, LLC, the continuing Delaware limited liability company (the "**Company**"), following the conversion of MedImmune, Inc. (the "**Converting Corporation**") to the Company, hereby certifies that:

1. Name of Converting Corporation. The name of the Converting Corporation immediately prior to the filing of this Certificate of Conversion was "MedImmune, Inc."

2. Date and Jurisdiction of Organization of Converting Corporation. The date on which, and the jurisdiction where, the Converting Corporation was organized are as follows:

<u>Date</u>	<u>Jurisdiction</u>
June 29, 1987	Delaware

3. Name of Converted Limited Liability Company. The name of the Delaware limited liability company to which the Converting Corporation has been converted and the name set forth in the Certificate of Formation of the Company filed in accordance with Section 18-214(b) of the Delaware Limited Liability Company Act is "MedImmune, LLC."

4. Approval of Conversion. The conversion of the Converting Corporation to the Company has been approved in accordance with the provisions of Section 266 of the Delaware General Corporation Law and Section 18-214 of the Delaware Limited Liability Company Act.

5. Effective Time. This Certificate shall be effective as of 12:01 a.m. on April 1, 2008 after its filing in the Office of the Secretary of the State of Delaware.

{signature page follows}

IN WITNESS WHEREOF, the undersigned have duly executed this Certificate of Conversion as of March 25, 2008.

MedImmune, LLC

By: /s/William C. Bertrand

Name: William C. Bertrand, Jr.

Title: Senior Vice President, General
Counsel and Corporate Secretary

Delaware

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The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE DO HEREBY CERTIFY THAT THE ATTACHED IS A TRUE AND CORRECT COPY OF CERTIFICATE OF FORMATION OF "MEDIMMUNE, LLC" FILED IN THIS OFFICE ON THE TWENTY-FIFTH DAY OF MARCH, A.D. 2008, AT 9:31 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF FORMATION IS THE FIRST DAY OF APRIL, A.D. 2008, AT 12:01 O'CLOCK A.M.



2130616 8100V

080355665

You may verify this certificate online
at corp.delaware.gov/authver.shtml

Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 6478252

DATE: 03-26-08

**CERTIFICATE OF FORMATION
OF
MEDIMMUNE, LLC**

This Certificate of Formation is being executed as of March 25, 2008 for the purpose of forming a limited liability company pursuant to the Delaware Limited Liability Company Act, 6 Del. C. §§ 18-101 et seq. (the "Delaware LLC Act").

The undersigned, being duly authorized to execute and file this Certificate of Formation, does hereby certify as follows:

1. Name. The name of the limited liability company is MedImmune, LLC (the "Company").

2. Registered Office and Registered Agent. The Company's registered office in the State of Delaware is located at Corporation Trust Center, 1209 Orange Street, Wilmington, New Castle County, Delaware 19801. The registered agent of the Company for service of process at such address is The Corporation Trust Company.

3. Conversion. The Company has been converted to a Delaware limited liability company pursuant to Section 18-214 of the Delaware LLC Act.

4. Effective Time. This Certificate shall be effective as of 12:01 a.m. on April 1, 2008 after its filing in the Office of the Secretary of the State of Delaware.

IN WITNESS WHEREOF, the undersigned has duly executed this Certificate of Formation as of the day and year first above written.

/s/William C. Bertrand

Name: William C. Bertrand, Jr.
Title: Senior Vice President, General
Counsel and Secretary